

JEFFERSON COUNTY COMMISSIONERS
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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
July 31, 2007**

Present: Commissioners Lythgoe, Notbohm and Weber; Harold Stepper and Mike Hoffman, County Planners; Tom Harrington, Brigitte Ekstrom, DA Davidson; Bonnie Ramey, Ernie Kennison, Ken Vivrette, Joe Carter, Bruce and Jackie Wagner

CALENDAR REVIEW

8/02 Department Head/Elected Official meeting - 10:00
Safety Picnic - 6:00
8/07 View Elkhorn Cemetery

COMMISSION REPORTS

ZONING COMMISSION

Commissioner Weber stated that the zoning commission agreed with the language on signing. They also toured property belonging to Pam Bompert, who wants a zoning change.

CRISIS MENTAL HEALTH CENTER

Commissioner Weber reported that he met with two of the Lewis and Clark Commissioners, the CEO of St. Peter's Hospital, and representatives of RMDC to try to come up with a way to establish a crisis mental health facility. St. Peter's will be earmarking \$40,000 and Lewis and Clark County will be discussing a mill levy. Jefferson and Broadwater Counties also need to consider this.

CSAA

Commissioner Lythgoe reported that he attended the Central Service Area Authority meeting in Helena on Friday, and that it was pretty interesting.

WHITEHALL SENIOR CENTER

Commissioner Notbohm reported that he met with Dick Gustin of the Whitehall Senior Center that morning regarding insurance. The senior van is covered, but the building has not been.

Bonnie has the building covered now, and it will cost them \$168.00/year. Commissioner Notbohm stated that he also went and talked to the Senior Center here in Boulder. They have always taken care of their own insurance, but they could save a lot if covered by the County's insurance. They will be discussing this at their next board meeting.

MONTANA CITY FIRE

Commissioner Weber reported that he met the previous day with members of the Montana City Volunteer Fire Department, the Christensens, the McKeevers, and attorneys. Matt is working on the MOU with the attorneys. Commissioner Notbohm noted that our fire departments are for structures, not wildland fire. They need to work out some guidelines; it seems that there would be a better way to do this. Commissioner Lythgoe stated that it appears that the fire department is running this, which he has a problem with. He has seen the agreement that Matt has revisited again, and there is no accountability to the fire department. There is no buy-in from the fire department, and he has a little bit of a problem with the County not getting all of the money that the Christensens paid, some of which will be used for legal fees, and also with no responsibility for maintenance. Commissioner Notbohm stated that he thinks what the Commission did was not necessarily appropriate and he apologizes if it was not properly noticed, but he has to ask who is running the county, Rick Abraham or the Commission; if the vote were taken today, he would not change his vote. Commissioner Weber stated that he is willing to step aside and let someone else handle the negotiations. He didn't want to be involved in the first place.

CORRESPONDENCE

Commissioner Weber stated that the Commission has received a letter from MSU with a position announcement to replace Cameron Clark. This will still be a shared position with Madison County, who will be discussing this today also. After the new person has been in the position for a while, Madison County will see if they are happy with the work being done in the south end of their county and we will review the work being done in the north end of our county.

SUBDIVISION REVIEW

FINAL PLAT APPROVAL - HAIRE MINOR SUBDIVISION

Mike Hoffman, County Planner, presented his staff report on this minor subdivision north of Montana City. The subdivision consists of 10.30 acres, which will be divided into two lots, each containing 5.15 acres. The developer has opted for cash-in-lieu of water storage, at the rate of \$855 per lot. Mike recommended that final plat approval be granted. Commissioner Weber noted that any subsequent split will need to be considered under major criteria, and asked if there is any time limit on this. Mike stated that there is none that he is aware of. Commissioner Lythgoe moved to grant final plat approval. Commissioner Weber seconded. The motion carried.

PRELIMINARY PLAT APPROVAL - COLLINS MINOR

Mike presented his staff report on this minor subdivision west of Montana City. The parcel

contains 20.832 acres, which will be divided into 4 lots ranging in size from 5.00 to 5.585 acres. No voluntary contribution to the school district was required, but the developer will donate \$25 per lot to the elementary school on the sale of lots. The developer opted for cash-in-lieu of water supply for fire suppression. Mike recommended that preliminary plat approval be granted. Commissioner Weber stated that, considering the RID work to be done in the area, is there any way to coordinate work on the driveways. Ken Vivrette stated that the development is impacted pretty directly by the RID. He has met with Joe Carter, and they will be getting the culverts, etc. in as soon as possible. Commissioner Lythgoe asked about access to lot 4. Ken stated that there is an easement from an existing house and a shared drive for lots 3 and 4. They are trying to minimize the number of approaches. Commissioner Notbohm asked about the cash-in-lieu amount. Mike stated that it will be \$855 per lot. The amount is maxed at \$855 at five acres or more; lots under five acres are pro-rated.

Commissioner Lythgoe moved to grant preliminary plat approval. Commissioner Notbohm seconded. The motion carried.

PRELIMINARY PLAT APPROVAL - ELKHORN HILLS SUBDIVISION

Mike presented his staff report on this subdivision east of Montana City. The parcel consists of 10.04 acres which will be divided into five 2-acre lots. The developer will be required to build the remaining half of the access easement between Microwave Heights Major Subdivision, Phase 1 (also known as the Tomaskie property) and this minor subdivision proposal. The developer will pay \$25 per lot to the elementary school district on the sale of each lot, and has opted to pay cash-in-lieu of a water storage facility.

Commissioner Weber noted that there is no signature line for the developer. Mike stated that this was an oversight and he would fix this. Commissioner Weber asked if engineered road plans have been received. Mike stated that they have.

Commissioner Notbohm noted that the weed review fees haven't been paid, and the Weed Department has requested that preliminary plat approval not be granted until the fees have been paid, per a letter from the Weed Coordinator. Ken stated that he can pay the fee now. The site has no weeds, as the developer has had a weed plan in place for the past five years. Mike stated that the resolution regarding the weed fees is not clear when the fees are to be paid, and noted that most fees are paid before final plat approval. Ken stated that what happened is that he put together the application before he knew of the fees, then asked for a waiver as the documents basically passed each other. Mr. Collins felt a bit intimidated by the Weed Board that nothing was to be done on the subdivision until the fees were paid, so he wrote a check. Ken stated that he would like to see the weed review fee as a condition of approval, so that it is on the checklist to work from. Mike stated that it is now part of the checklist for developers.

Commissioner Lythgoe moved to grant preliminary plat approval. Commissioner Notbohm seconded. The motion carried.

FINAL PLAT APPROVAL - TRESTLE HEIGHTS MINOR SUBDIVISION

Harold Stepper, County Planner, presented his staff report on this subdivision north of Corbin. The tract contains 9.53 acres and will be divided into five lots ranging in size from 1.34 to 2.88 acres. All conditions of approval have been met. Harold recommended that final plat approval be granted.

Commissioner Lythgoe moved to grant final plat approval. Commissioner Notbohm seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

AWARD BID FOR SALE OF BONDS FOR SOUTH HILLS RID

Bridget Eckstrom of DA Davidson stated that three bids had been received from DA Davidson in Great Falls, Bitterroot Valley Bank in Lolo and Montana Municipal Cooperative in Bozeman. She explained the bids and how they are figured. She stated that the best overall value to the county is offered by Montana Municipal Cooperative. Commissioner Weber noted that there is a .5% add-on for homeowners, and asked if this is done on the same schedule. Bridget stated that it is a bit of a different schedule; she will work with Bonnie and Patty. She noted that these numbers are locked in for 20 years, unless the Commission decides to change something if it is to the County's advantage. Commissioner Lythgoe asked with getting the maximum discount from the successful bidder, hence more money from the bidder, if this amount will be able to be used in reserve. Bridget stated that the extra money is to stay in the construction fund until completed, then it flows to debt reduction. They also have some great things in place to protect the general fund and to keep the project going.

Commissioner Weber moved to award the bid to Montana Municipal Cooperative in the amount of \$439,016.88, with true interest of 4.584%. Commissioner Lythgoe seconded. The motion carried.

RESOLUTION 24-2007 RELATING TO \$783,000 RID NO. 2503 BONDS

Commissioner Lythgoe moved to adopt the resolution (on file in the Clerk and Recorder's office). Commissioner Notbohm seconded. The motion carried.

JLDC UPDATE

Tom Harrington came before the Commission to give an update on the JLDC's recent activities. They are working on a website and logo update and redesign for the JLDC. At the south campus, there was some roof damage on building 9 due to high winds. They are also working with an engineer to upgrade and add a sewer line under the road.

Montana Tunnels is at 90% production. They will have a booth at the County Fair to get the word out about the mine. They have expanded the advisory group, and are still looking for representatives from Boulder and Basin. At the CTAC meeting, they heard that the mine is at full production. They have gotten approval from Barrick for mine expansion and got some exploration money; they are hoping to extend the mine life. The EIS is finally out and in the 30-

day review period. Elkhorn Goldfields is looking to put together a group similar to MTAG and CTAC. The mine is still in the permitting process. They are working on a contractor list for fire emergencies and working with businesses to help them be prepared. They are also developing a categorized list so that the Forest Service will be able to find what they need locally. Commissioner Weber asked about the web development, and if any local companies had submitted anything. Tom stated that they have heard from companies in Canada, Idaho, Bozeman and Helena.

DISCUSS AND DECIDE ON LAND SWAP BETWEEN JEFFERSON COUNTY AND BRUCE AND JACKIE WAGNER

Commissioner Weber asked Commissioner Notbohm if he had a chance to talk to the appraiser about the appraisal. Commissioner Notbohm stated that he had, but he didn't like what the appraiser had to say. He stated that he has done some research on land values, and this appraisal seems to be very low. Commissioner Notbohm stated that an inspection should be done on the property to get an idea of what we will have to do to make the building suitable for our use. Commissioner Weber noted that the land was actually appraised at \$32,000, but the appraiser lowered it for several reasons, such as being rural and having no utilities. Commissioner Notbohm agreed that it is hard to get real true comparables, but they have to look out for the interests of the county; they are not getting a fair market value for the property. Bruce stated that the wiring in the building was completely replaced three years ago, they put in a new furnace two years ago and central air last year. There should be no problem at all with the inspection. He also noted that they are still working on some small items with the remodel. Commissioner Notbohm stated that they still have to deal with the public, so they need to make sure that things are done properly. He stated that he is not at all opposed to this, but as it involved public funds, he is not sure about the legality of a trade.

Commissioner Weber noted that one option that came up at the previous meeting is the availability of the old Dairy Queen building. The building is for sale for \$215,000, but this includes all of the restaurant fixtures. Commissioner Notbohm stated that it is not the best option to share a building with another entity. Commissioner Lythgoe stated that he is not interested in looking at that property. Part of the attractiveness of the Wagner property is that it is a part of the courthouse campus. Matt stated that his legal research shows that the county is able to do a land swap; there needs to be an appraisal of both properties. The issue then would be if someone were to question the appraisals. Commissioner Weber asked who has the right or ability to protest the appraisal. Matt stated that pretty much any one would. Commissioner Weber stated that he has heard a couple of verbal comments, but has gotten nothing in writing. Commissioner Notbohm stated that he has also gotten a couple of verbal comments. Commissioner Lythgoe stated that he hasn't heard anything. Commissioner Weber stated that as of this moment, the only comment on record is Commissioner Notbohm's dissatisfaction with the appraisal of our property.

Commissioner Lythgoe moved to accept the appraisal we have on the County's land and Wagner's property and enter into a buy/sell agreement to enter into a trade, the final decision to be contingent on an inspection of the Wagner property, the fees of which will be paid by the County. Commissioner Weber seconded. Discussion followed. Commissioner Notbohm stated

that he wants to make it official that he will oppose this both as a Commissioner and as a taxpayer. Commissioner Lythgoe asked Matt that as the Commission has not received any written protest as it relates to this trade, from Commissioner Notbohm or any citizen, if it can be protested after the fact. Matt stated that he would assume that if the Commission got an official protest of the appraisal it could go before a district judge; he would need to research this. Commissioner Notbohm stated that he is willing to do this. The motion failed, with Commissioners Weber and Notbohm voting nay and Commissioner Lythgoe voting aye.

Commissioner Weber moved to accept the appraisal on the Wagner's property and enter into a buy-sell agreement, contingent upon a second appraisal by a different appraiser on the County property, to be paid out of Title III money. Commissioner Lythgoe seconded. Discussion followed. Commissioner Notbohm stated that checking on recent sales in town, Wagner are asking the top end for his property. He stated that it might be good to have a negotiator, possibly Matt, to be a go-between. Bruce stated that he is willing to work with Matt on this. It would allow for more discussion, and he can bring a final recommendation to the Commission. Commissioner Weber noted that this is getting a bit off topic. They should go to the motion and then decide. The motion carried with Commissioners Lythgoe and Weber voting aye and Commissioner Notbohm voting nay.

Commissioner Weber stated that he feels that Commissioner Notbohm wants to ask Matt to act as negotiator to work with Wagners to negotiate a price. Matt stated that he would like to research statute too. Commissioner Weber moved to appoint Matt as negotiator for the land swap. Commissioner Notbohm seconded. The motion carried.

DISCUSS COUNTY LOGO

Commissioner Weber stated that the County's current logo is out-dated. "The Undiscovered In-Between" no longer applies. Tom Harrington stated that this is exactly what JLDC will be discussing at their meeting, as they have the same logo, with the addition of a check mark. Commissioner Lythgoe stated that he thinks that if the JLDC is doing research and talking with professionals, they should let them continue. It makes sense to work together so that the logos mesh. Tom stated that he has met with a couple of large marketing firms in Bozeman, and there is a lot involved with developing a logo.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER